

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TERRENZ HENDERSON,)

Petitioner,)

No. CV-15-0038-LRS

**AMENDED
ORDER ADOPTING REPORT
AND RECOMMENDATION**

vs.)

WASHINGTON STATE,)

Respondent.)

No objections having been filed within the time allowed, the undersigned hereby adopts the June 3, 2015 “Report And Recommendation To Dismiss Habeas Action” (ECF No. 6) filed by Magistrate Judge James P. Hutton. Petitioner’s petition is **DISMISSED without prejudice** for lack of personal jurisdiction over named Respondent, Washington State, and for failure to exhaust available state court remedies.

A certificate of appealability must be obtained by a petitioner in order to pursue an appeal from a final order in a Section 2254 habeas corpus proceeding. 28 U.S.C. Section 2253(c)(1)(A); Fed. R. App. P. 22(b). A certificate of appealability should be issued only where the appeal presents a substantial showing of the denial of a constitutional right. 28 U.S.C. Section 2253(c)(2). A certificate should issue where the prisoner shows that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and whether the district

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1 court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484, 120
2 S.Ct. 1595 (2000).

3 This court concludes jurists of reason would not find it debatable that this
4 court is correct in its procedural rulings regarding lack of personal jurisdiction and
5 failure to exhaust available state court remedies. Therefore, a certificate of
6 appealability is **DENIED** with regard to this order.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter
8 Judgment accordingly and forward the Judgment and this order to Petitioner and to
9 Magistrate Judge Hutton. The file shall be **CLOSED**.

10 **DATED** this 26th day of June, 2015.

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12 *s/Lonny R. Suko*

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LONNY R. SUKO
Senior United States District Judge